

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

21-CR-7

JOHN STUART,

Defendant.

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**MOTION FOR AN EXTENSION OF TIME TO FILE  
RESPONSE TO DEFENDANT'S SUPPLEMENTAL BRIEFING**

**PLEASE TAKE NOTICE** that upon the annexed Affidavit of David J. Rudroff, Assistant United States Attorney, the undersigned hereby moves this Court for an extension of time to file its response to the defendant's supplemental memorandum (Doc. 112).

DATED: Buffalo, New York, December 10, 2023.

TRINI E. ROSS  
United States Attorney

BY: s/DAVID J. RUDROFF  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
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Buffalo, New York 14202  
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**AFFIDAVIT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         )     SS:  
CITY OF BUFFALO         )

**DAVID J. RUDROFF**, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to the prosecution of this matter. I offer this affidavit in support of the government's motion for a 10-day extension of time to file its response to the defendant's Supplemental Memorandum (Doc. 112). I have contacted defense counsel, AFD Jeffrey Bagley, regarding this request, but have not received a response as of the date of this affidavit.

2. On October 13, 2023, the Court held oral argument on the defendant's objections to Magistrate Judge McCarthy's Report and Recommendation. Dkt. 107. The Court directed further briefing on several issues. *Id.* The defendant's supplemental memorandum was due on November 13, 2023, and the government's response was due November 27, 2023. *Id.*

3. The Court granted several unopposed defense motions for an extension of time to file its supplemental brief. Dkts. 108, 110. The defendant filed his supplemental memorandum on December 1, 2023, and the government's response is due December 11, 2023.

4. Four days after the defense filed its supplemental memorandum, on December 5, 2023, the undersigned began a jury trial before the Honorable Richard J. Arcara. *See United States v. Todd Laraba*, Case No. 19-CR-36. That trial is expected to conclude on or about December 13, 2023. Because of this, the government requests a 10-day adjournment to allow the undersigned to conclude that trial and submit its supplemental brief in this matter. Such relief would promote the government's interest in continuity of counsel, and would not prejudice the defendant, who remains released pending trial.

5. As such, the government respectfully requests a 10-day adjournment of its deadline to respond to the defendant's supplemental memorandum (Dkt. 112).

s/DAVID J. RUDROFF  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716-843-5862  
David.Rudroff@usdoj.gov

Subscribed and sworn to before me  
this 10th day of December, 2023

s/SAMANTHA BURLOW  
Commissioner Of Deeds  
In And For The City Of Buffalo, New York.  
My Commission Expires Dec. 31, 2024